

# United States District Court

EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

PRINCIPAL TECHNOLOGY  
ENGINEERING, INC.

v.

SMI COMPANIES

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§  
§  
§

Case No. 4:09-CV-316  
Judge Schneider/Judge Mazzant

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On February 19, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion to Dismiss Defendant's Counterclaims Under Rule 12(b)(6), Motion to Strike Defendant's Affirmative Defenses Under Rule 12(f), or in the Alternative, Motion for a More Definite Statement Under Rule 12(e) (Dkt. #45) should be denied in part and granted in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Plaintiff's Motion to Dismiss Defendant's Counterclaims under Rule 12(b)(6) and Motion to Strike Defendant's Affirmative Defenses under Rule 12(f) is DENIED and Motion for More Definite Statement Under Rule 12(e) is GRANTED.

**IT IS SO ORDERED.**

**SIGNED this 12th day of March, 2010.**



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE